

Minutes of the January 23, 2002 meeting  
815 W. Sixth Street  
Corona

1. Vice-Chair Ameri called the meeting to order at 9:00 a.m.

Board Members Present

Fred Ameri, Vice-Chair  
Jose Solorio  
Seymour Van Gundy  
Karen Stein  
John Withers

Board Members Absent

Carole Beswick, Chair  
Joan Dotson  
William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer  
Kurt V. Berchtold, Assistant Executive Officer  
Robert L. Holub, Supervising Water Resource Control Engineer  
Michael J. Adackapara, Supervising Water Resource Control Engineer  
Joanne E. Schneider, Environmental Program Manager  
Hope A. Smythe, Chief, Basin Planning Inland Waters  
Wanda K. Smith, Chief, Basin Planning Coastal Waters  
Mark G. Adelson, Chief, Basin Planning Regional  
Jun Martirez, Chief, Regulations  
Milasol C. Gaslan, Chief, Storm Water Inland Waters  
Mark E. Smythe, Chief, Storm Water Coastal Waters  
Gary D. Stewart, Chief, Surveillance and Enforcement  
Ken J. Theisen, Sanitary Engineering Associate  
Cindy Li, Associate Engineering Geologist  
William B. Rice, Associate Engineering Geologist  
Pavlova Vitale, Environmental Scientist III  
David Woefel, Environmental Scientist III  
Susan K. Beeson, Sanitary Engineering Associate  
Kevin P. Heinemann, Associate Information Systems Analyst  
Barbara Laffoon, Secretary

Legal Counsel

Jorge Leon

Public Attendance

Arthur L. Littleworth, Counsel for Elsinore Valley Municipal Water District  
Jayne Joy, Eastern Municipal Water District  
David Morycz, Eastern Municipal Water District  
David Lindeman, Targhee, Inc.  
Konya Vivant, City of Garden Grove  
Terry Lane, City of Garden Grove  
Tim Piasky, BIA/SC  
Rod Cruze, City of Riverside  
Mark Sheppard, BIA-Baldy View Chapter  
Dennis Pollak, California Water Environment Association  
Richard W. Helms, General Counsel, City of Garden Grove  
Jack Wamsley, City of Canyon Lake  
Lloyd Cash, Fontana Unified School District  
Hank DeHaan, Fontana Unified School District

John Shaffer, EEC  
Pat Kilroy, City of Lake Elsinore  
Dick Watenpaugh, City of Lake Elsinore  
Thelma Grant, Meadowbrook  
Grant Grant, Meadowbrook  
Greg Woodside, Orange County Water District  
Mark Dennis, City of Lake Elsinore  
George Alonghi, Elsinore Valley Municipal Water District  
Phil Williams, Elsinore Valley Municipal Water District  
Renzo Marin  
Keith & Karilyn Tibbetts, Lake Elsinore  
Joe O'Connell  
Chris Hyland, Reclaimed Water Task Force  
Ken Stedman, Pyxis Water  
Penny Hill, LA County Sanitation District  
Patrick McNelly, Orange County Sanitation District  
Doug Drury, Inland Empire Utilities Agency  
Mark Norton, SAWPA  
Cynthia Gabaldon, City of Corona  
Phil Miller, Elsinore Valley Municipal Water District  
Tom Rhimer, RCFC  
Ronald Young, Elsinore Valley Municipal Water District  
Jim Colston, Orange County Sanitation District  
Todd Broussard, City of Huntington Beach  
Ted Mullennix, Ennix, Inc.  
Bennie Osier, Newport Boats  
Jack Nelson, Yucaipa Valley Water District  
Pete Dawson, Lake Elsinore  
Ed Nylund, City of Chino  
Bob Zetterberg, City of Rancho Cucamonga  
Steve Stump, Riverside County Flood Control & WCD

2. Public Forum

Doug Korthof stated his objection to the 2001 adoption of Board meeting dates and locations for 2002 and to the denial of public comment or input. Executive Officer (EO) Thibeault advised Mr. Korthof that the item appeared on the Board's agenda for two consecutive meetings prior to adoption, and no members of the public asked to speak on the item. Mr. Korthof felt the Board did not meet enough in Orange County.

3. Approval of Minutes of December 19, 2001 meeting

Joanne Schneider advised the Board that a law firm representing Defend the Bay had requested amendment of the draft minutes regarding the Irvine Ranch Water District, Order No. 01-95, to better reflect Bob Caustin's comments. Ms. Schneider recommended that the last two sentences in the second paragraph of the draft minutes concerning this item be modified to read, as follows:

"He voiced another concern about backsliding, stating that certain requirements in the proposed order regarding discharge from Sand Canyon Reservoir differed from those in Irvine Ranch Water District's previous waste discharge requirements. He indicated that the proposed order did not include the prior requirement prohibiting discharges from the reservoir except under certain storm conditions and that the proposed order did not require monitoring and discharges from the reservoir. Ms. Schneider provided staff's response."

The minutes of the special board meeting held on December 19, 2001, were approved with the amendment, as presented. Members Withers and Solorio abstained.

4. Approval of Consent Calendar Items

EO Thibeault noted that there were requests from the public to address items 6 and 7, Amendment of Waste Discharge Requirements for Elsinore Valley Municipal Water District and Eastern Municipal Water District, and requested that they be removed from the consent calendar. Item 5 with errata remained on the consent calendar.

Action: It was moved by Member Solorio, seconded by Member Stein, and unanimously approved that the Board adopt Item No. 5, Order No. R8-2002-0007, Renewal of General Groundwater Cleanup Permit, with errata.

6. Amendment of Waste Discharge Requirements for Elsinore Valley Municipal Water District, Regional Water Reclamation Facility, Order No R8-2002-0008(A02)

Since items 6 and 7 had been on the consent agenda, EO Thibeault explained that there was no staff presentation.

Chris Hyland, Reclaimed Water Task Force, spoke in favor of the program, having initially been opposed.

Gene Frick outlined a number of concerns. He also felt that an EIR should precede such an action and asked that the Board not adopt the order.

Attorneys Ron Van Blarcom, representing the City of Lake Elsinore, and Arthur Littleworth, representing Elsinore Valley Municipal Water District, spoke in favor of the amendment.

Garry Grant addressed the issue of costs to rate payers to put water into the Lake. He also felt that according to previous agreements with the Army Corps of Engineers, this water should not be put into the Lake.

Ms. Schneider noted that Mr. Frick had raised some important issues and responded to those.

Action: It was moved by Member Withers, seconded by Member Stein, and unanimously approved that the Board adopt Board Order No. R8-2002-0008(A02), Amendment of Discharge Requirements for Elsinore Valley Municipal Water District.

7. Amendment of Waste Discharge Requirements for Eastern Municipal Water District, Regional Water Reclamation Facility, Order No R8-2002-0009(A01)

EO Thibeault noted that this item had originally been on the consent agenda, and that the staff had no additional comments.

Action: It was moved by Member Withers, seconded by Member Stein, and unanimously approved that the Board adopt Board Order No. R8-2002-0009(A01), Amendment of Discharge Requirements for Eastern Municipal Water District.

8. Public Workshop, General Waste Discharge Requirements for Sewage Collection Agencies in Orange County within the Santa Ana Region, Order No. R8-2002-0012

Information pertaining to this item is contained in a verbatim transcript.

Ken J. Theisen, Sanitary Engineering Associate, presented the background and status of the proposed permit. The comment period on this draft has been extended to January 31, 2002, and

a final draft is planned for consideration by the Board on March 15, 2002.

James Colston, Orange County Sanitation District, Robert Beardsley, City of Huntington Beach, and George Tindall, City of Garden Grove, Penny Hill, LA County Sanitation District, and Dennis Pollak spoke regarding the permit.

9. Public Workshop, Renewal of Waste Discharge Requirements, San Bernardino County Department of Public Works, County of San Bernardino and Incorporated Cities of San Bernardino County, Area-Wide Urban Storm Water Runoff Program, Order No. R8-2002-0012

Information pertaining to this item is contained in a verbatim transcript.

Milasol Gaslan, Chief, Storm Water Inland Waters, presented the background on the three drafts of the proposed permit. She noted that the deadline for comments is January 31, 2002; the final tentative permit is scheduled to be available by February 15, 2001, and to be considered for adoption by the Board on March 15, 2002.

Members of the public addressing the item were Tim Piaskey, BIA, Bob Zetterberg, City of Rancho Cucamonga, Yvonne Elliott, City of Ontario, Ted Garrety, City of Chino Hills, and Christine Diemer-Iger, Manatt, Phelps and Phillips.

10. Update of the Clean Water Act Section 303(d) List of Impaired Water Bodies

Environmental Scientist Pavlova Vitale explained the process used in identifying and placing or removing water bodies from the listing and presented the list of proposed additions and deletions to the list. Since the October 2001 Board meeting, staff met with Orange County Health Care Agency (OCHCA) and revised the list, forwarded comments by SCAP to State Water Board staff and responded to the comments provided by EPA. Ms. Vitale noted that some additions and deletions were the result of information received from OCHCA.

Concerns were voiced regarding the addition of the Santa Ana Delhi Channel from 500 feet upstream of the bike trail to the Upper Newport Bay, and to the beneficial uses that might be assigned, including MUN. Ed Fawcett, President, Costa Mesa Chamber of Commerce, opposed the placement and urged the Board to reject it.

Herb Nakasone, Orange County PF&RD, opposed the inclusion of the Santa Ana Delhi Channel. He noted that water from the Channel is not intended to be used as a source for domestic, industrial or agricultural water supply. The Channel is fenced off and signed to prevent public access, and finally, the Basin Plan does not identify beneficial uses for the Santa Ana Delhi Channel.

It was also noted that the List did not require further Board action; however, additional changes to the proposed List may still be sent to the State Board, and staff will continue to participate in the 303(d) Listing process with the State Board.

13. Nitrogen/TDS Workshop

Tim Moore, Risk Sciences, briefed the Board on the history of the project and issues related to the review and revision of water quality objectives for nitrogen and TDS within the Santa Ana River watershed.

11. Canyon Lake Nutrients Total Maximum Daily Loads (TMDLs) Problem Statement

Cindy Li, Associate Engineering Geologist, presented data and information related to the development of the Canyon Lake Nutrient TMDL Problem Statement and proposed numeric targets. She noted that staff anticipates providing an additional status report this summer. TMDL development will continue through 2003, with the intention of presenting a proposed Canyon

Lake/Lake Elsinore nutrient TMDL to the Board for consideration in 2003/2004.

12. Triennial Basin Plan Review

David Woelfel, Environmental Scientist, advised that the Federal Clean Water Act, Section 303(c), requires that, at least once every three years, the State water pollution control agency shall hold public hearings for the purpose of reviewing water quality standards and, as appropriate, modify and adopt standards. Mr. Woelfel also discussed state requirements for periodic review and update of the Basin Plan. He outlined staff's tentative Triennial Review Priority List and noted that the last Triennial Review was initiated in 1998.

Mr. Woelfel discussed the public participation requirements and indicated that a Public Workshop Notice and Draft Priority List were expected to be mailed in January 2002. A Public Workshop will be held at either the March 15 or April 26, 2002 Board meeting. Staff will respond to comments during April and May, and present the Board a final list with an estimate of required resources by May 31 or July 12, 2002.

14. Mandatory Penalties Complaint, Century Circuit Services

Executive Officer Thibeault advised the Board that this item had been settled. The discharger agreed to a payment schedule and waived their right to a hearing.

15. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of hazardous waste and sewage spill incidents.

16. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures.

17. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks.

18. Quarterly Violations Report

A list of violations was provided to the Board, as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

19. Executive Officer's Report

EO Thibeault advised the Board that he had been contacted by a new consultant on behalf of Vila Borba who requested a meeting to work toward an equitable solution in this matter. On the day of the meeting, the consultant abruptly canceled. Staff then learned that there was a possibility that the permit Vila Borba was seeking from the ACOE had, indeed, been issued. Mr. Thibeault asked Environmental Program Manager Joanne Schneider to update the Board further on the issue. Ms. Schneider said that information received indicated that the ACOE had issued the 404 permit under the assumption that we had waived 401 Certification. At this point, we are attempting to verify this, but are having difficulty doing so. It appears that ACOE staff is uncertain as to the status, as well. It would appear that the Regional Board position has not been considered in this matter.

20. Regional Board Member Communications

There were none.

21. Closed Session

There was none.

22. Adjournment

The meeting was adjourned to the regular meeting of March 15, 2002, at 9:00 a.m., at the City Council Chambers of Loma Linda.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "G. Thibault". The signature is stylized with a large, looped initial "G" and a cursive "Thibault".

GERARD J. THIBEAULT  
Executive Officer

/bjl